

# Process for Threaten or Impaired Watershed Regulations Review<sup>1</sup>

## Staff Proposal April 21, 2008 For Consideration at the May 6, 2008 Forest Practice Committee Meeting

**Executive Summary:** California Forest Practice Rules related to protection of watersheds with anadromous salmonid species, termed the “Threatened or Impaired Watershed” rules (T/I rules), are under review by the State Board of Forestry and Fire Protection. The T/I rules are being reviewed for determining their adequacy in protecting the species, meeting the Forest Practice Act, and to establish permanent rules as the current rules expire on January 1, 2010.

The Board’s Forest Practice Committee will conduct the review and has drafted a rule review process. The review process involves evaluating groups of similar rules against specific criteria, including current science literature. Each of the five rule groups would have at least three public meetings, one per month:

### Meeting sequence

Month #1 Meeting #1 for rule group Initial FPC regular Meeting	Month #2 Meeting #2 for rule group Stakeholder Meeting	Month #3 Meeting #3 for rule group FPC regular Meeting
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Review of current scientific literature is important part of the rule validation process. To facilitate an expedited review of science literature, submission by stakeholders of science literature related the non-riparian sections of the T/I rules should be delivered to the Board by May 2, 2008.

The FPC intends to complete the review by January 2009. Following the review the Board will begin any regulatory adoption procedures. Final adoption of any regulatory amendments would be completed by October 2009.

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<sup>1</sup> Threaten or Impaired Watershed Regulations is board designated term for a suite of regulations within the California Forest Practice Rules that address requirements for protection of anadromous salmonid species during timber harvesting operations. See **Appendix 1** for the list of relevant regulations.

**Background:** In 2000, the California Forest Practice Rules were amended by the State Board of Forestry and Fire Protection (Board) in 11 rule sections for protection of watersheds with anadromous salmonid species. They were termed the “Threatened or Impaired Watershed” rules (T/I rules) and included rules for projects in watersheds listed as impaired under the 303(d) listing process. These rule changes were done in part as a response to National Marine Fishery Services deliberations on listing steelhead species. They apply to commercial forest harvesting operations on private land and State Forest in any watershed where listed anadromous salmonids are found.

Since their adoption in 2000, these regulations have been modified and extended through Board action four times and are currently set to expire on December 31, 2008. Board rulemaking action extending the rules for an additional year was noticed on April 11, 2008. Minor amendments were made to these rules in 2006 regarding plan review requirements.

Substantive provisions of the T/I regulations were adopted by the Board in 2007 for facilitating incidental take of coho salmon through DF&G §2112 regulation in a separate regulatory action. The rules adopted in 2007 apply only to coho salmon watersheds, which are subset of the T/I rules geographic area, and they do not have an expiration, or “sunset” date.

The T/I rules have not been comprehensively reviewed since their inception. Such a review is statutorily required under Public Resource Code 4553. The Board intends to review the existing all anadromy T/I rules for purposes of determining their adequacy in protecting the species and meeting other goals under Article 1 of the Forest Practice Act. To facilitate at this review the Board to date has

1. appointed a Technical Advisory Committee to oversee a contracted review of current scientific literature on forest management effects on the riparian zone of anadromous salmonid fisheries.
2. directed staff to design an additional review process to facilitate review of the T/I rules beyond direct effects in the riparian zone.
3. appointed other groups including the Monitoring Study Group and the Road Rules Committee to in part provide information on forest management effects on anadromous salmonid fisheries.

4. received testimony at Board meetings from state and federal agencies regarding the adequacy of the forest management regulations, specifically the Threatened or Impaired watershed regulations.
5. adopted “coho specific” regulations for take under CESA in 2007 in cooperation with Department of Fish and Game.

**Project Goals:**

- Conduct a review of the existing all anadromy T/I rules for purposes of determining their adequacy in protecting the species and meeting other goals under Article 1. of the Forest Practice Act.
- Conduct and complete review consistent with this review process.
- Following completion of review, develop regulatory amendments as needed.
- Completed rule amendments for regulatory noticing action on March 2009.
- Finalize adoption of modified regulations by Board in September 2009.
- Rules would become effective on January 2010.
- Develop regulations, when consistent with the Board's authorities, that support other regulatory agency needs (Regional Water Boards, DFG, NMFS)
- Rules adopted shall be permanent with no expiration date.

**General information:**

- A review process, described below, is established to ensure a uniform and complete review of the T/I rules. The Board's Forest Practice Committee will conduct a review consistent with this process.
- Routine public stakeholder and agency workshops would be held to review each rule

section. Stakeholder comments will be accepted at any time during the rule review process or the official regulatory noticing period.

- Public stakeholder meetings will be held to review each T/ rule or rule group. The meetings will be formally noticed in accordance with the open meeting act requirements. Notice will include e-mailing or hardcopy mailing to a Board prepared stakeholder list and posting on the Board web site.
- Forest Practice Committee members, and other Board members, will attend stakeholder meetings and provide direction and to ensure proper decorum.
- The Forest Practice Committee wishes to obtain consensus opinions and recommendations from stakeholders when possible. Non-consensus opinions shall be noted in minutes.
- Forest Practice Committee will consider whether to apply any recommendations coming from the T/I rules to the recently adopted “coho” regulations.
- Forest Practice Committee will review progress of rule review at each regularly scheduled meeting.
- Responsible agencies will be contacted inviting their participation and comments prior to review of any T/I rule.
- All staff information background articles and meeting minutes shall be posted on the board web in a highly visible link on the front page of the web site.
- T/I current organizational format will be retained when possible and preferred, with consideration from road rule committee suggestions.

**Review process: See Flow Chart in Appendix 2**

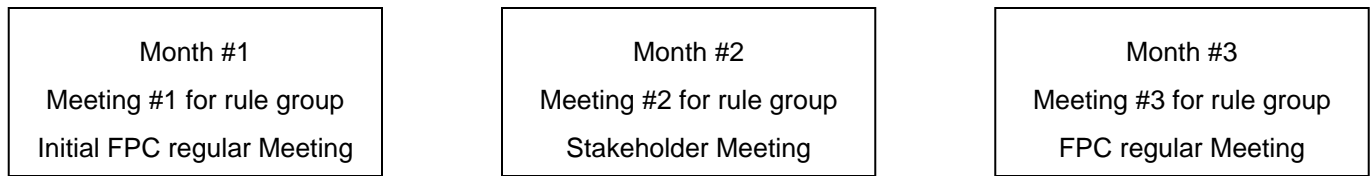
**1. Rule groups:** T/I rules as are currently displayed in the Forest Practice Rules will be grouped according to similar topics (**see Appendix 3**).

**2. Time frame:** FPC will adopt a time frame/schedule to review groups of rules. (See

**Appendix 4 Rule Review Time Frame).** Discussion and review of any T/I rule within a group may be extended beyond the time frames established for its review, as directed by the Forest Practice Committee. Rules will be reviewed sequentially or concurrently if necessary or logical.

**3. Meetings:** Each rule section or group of rule sections will have at least three review meetings: two Forest Practice Committee meetings and one stakeholder meeting. Each meeting will have one month between meetings.

#### **Meeting sequence**



The number and content of meetings for each rule group at a minimum includes:

**Meeting #1 (regular FPC Meeting):** An initial introductory meeting at the Forest Practice Committee regularly scheduled monthly meeting. Groups of rules will be presented at the initial introductory Forest Practice Committee meeting. At a minimum, the meeting will include

- a. the text of the Forest Practice Rules being reviewed;
- b. public comments and revision suggestions received to the Board as of date of FPC meeting;
- c. supporting technical papers and science reports presented to Board staff and/or assembled by the Board staff;
- d. assignment of technical assistance teams, including any science review team such as the TAC;
- e. direction from FPC on relevant key questions for science review and identification of “rule review criteria”; and
- f. new public comment.

**Meeting #2 (Stakeholder Meeting):** A stakeholder meeting conducted before the next regularly monthly Forest Practice Committee meeting. This meeting will be held on the Monday prior to the regularly scheduled Tuesday Forest Practice Committee meeting. Forest Practice Committee members will attend to the extent possible

stakeholder meetings. Stakeholder meeting will include at a minimum:

- a. presentations of a report from technical review teams;
- b. evaluation of “rule review criteria” stated in this charter applicable to the rule section; and
- d. public input.

**Meeting # 3 (regular FPC meeting):** A concluding meeting at the next regularly scheduled Forest Practice Committee meeting following the first meetings described above. The final meeting would include:

- a. staff update to the Forest Practice Committee on previous meetings;
- b. completion of any items held over from previous two meetings;
- c. draft rule proposals;
- d. public input; and
- e. Forest Practice Committee decisions or recommendations.

Stakeholders meetings will be formally noticed to the BOF contact list established for the project. Individual invitations will be offered to responsible agencies including the Central Valley Regional Water Quality Control Board, National Marine Fisheries Service, Department of Fish and Game, Central Coast Regional Water Quality Control Board, North Coast Region Quality Water Control Board, and State Water Quality Control Board.

**4. Technical review and science literature submissions:** Science, policy, legal, regulatory or other types review will be conducted as part of the overall T/I. Review requests will be identified and assigned by the FPC to the Technical Advisory Committee (TAC) or other group (i.e. Monitoring Study Group, road rules committee, interagency mitigation and monitoring program, legal counsel) at each initial FPC meeting. **(see Appendix 5).**

The TAC will be reviewing additional science literature on T/I rules that are not related to riparian buffer function (literature on riparian buffer function is already being reviewed as part of the contracted literature review contract.). FPC will be specific in terms of the nature of the topics requested for non-riparian science review and will provide key questions for which science review is requested.

**To facilitate an expedited review of technical science literature, submission by stakeholders of science documents should be delivered to the Board by May 2, 2008.**

Literature should be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

or hand delivered to:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA

or sent via facsimile to:

(916) 653-0989

or sent via e-mail a to:

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

Evaluation of technical information provided by any technical assistance teams will be conducted and presented to FPC prior to any decision/recommendations. Science review teams will focus on assessing certainty of existing science and report back on both certainty of findings and those with less certain information. Acceptable science literature to be included for this T/I review will be screened by TAC using screening criteria created for the contracted literature review.

**5. Rule review criteria:** Each rule or rule group will be evaluated in public by staff and with Forest Practice Committee and stakeholders input. Each rule section or group of rules will be evaluated using the complete set of review criteria (see below and **Appendix 5**). Existing rules will also be evaluated in context of records established for their initial adoption in 2000 (i.e. Initial Statement of Reasons from from board rulemaking titled "Protection for Threatened and Impaired Watersheds, 2000, Office of

Administrative Law Regulatory Action # 00-0517- 01S. The criteria used for the evaluation will include the following:

- a. establishment of problem and necessity;
- b. specific purpose of rule as currently written;
- c. science literature supporting regulatory prescriptions;
- d. identification of strengths and weakness of rule sections from a science basis;
- e. FPR organization;
- f. duplication with existing rules;
- e. economic and fiscal impact;
- f. legal perspective;
- g. environmental impacts of the rule section; and
- h. consistency with other regulatory agency needs.

**6. Rule amendment and alternatives:** Potential rule amendments will be developed by staff and presented to the Forest Practice Committee following the evaluation stated above. Alternatives will be identified. Stakeholder shall be provided opportunity to provide alternatives at this point in time to the Forest Practice Committee.

**7. FPC rule recommendations:** FPC will make recommendations on any proposed rule amendments to staff who will prepare those amendments. Amendments will be incorporated into a complete regulatory package that will be presented to the full board at the culmination of the T/I review process beginning in January 2009.



## Appendix 1

### Regulations related to “Watersheds with Threatened or Impaired Values” Title 14 of the California Code of Regulations

#### (All anadromy)

§ 895.1	Definitions
§ 898	Feasibility Alternatives
§ 898.2	Special Conditions Requiring Disapproval of Plans
§ 914.8 [934.8, 954.8]	Tractor Road Watercourse Crossing
§ 916 [936, 956]	Intent of Watercourse and Lake Protection
§ 916.2 [936.2, 956.2]	Protection of the beneficial Uses of Water and Riparian Functions
§ 916.9 [936.9, 956.9]	Protection and Restoration in Watersheds with Threatened or Impaired Values
§ 916.11 [936.11, 956.11]	Effectiveness and Implementation Monitoring
§ 916.12 [936.12, 956.12]	Section 303(d) Listed Watersheds
§ 923.3 [943.3, 963.3]	Watercourse Crossings
§ 923.9 [943.9, 963.9]	Roads and Landings in Watersheds with Threatened or Impaired Values

#### (Coho watersheds only)

§ 916.9.1[936.9.1]	Minimization and Mitigation Measures for Protection and Restoration in Watersheds with Coho Salmon
§ 916.9.2 [ 936.9.2]	Additional Measures to Facilitate Incidental Take

Authorization in Watersheds with  
Coho Salmon

§ 916.11.1 [936.11.1]

Monitoring for Adaptive Management in  
Watersheds with Coho Salmon

§ 923.9.1 [943.9.1]

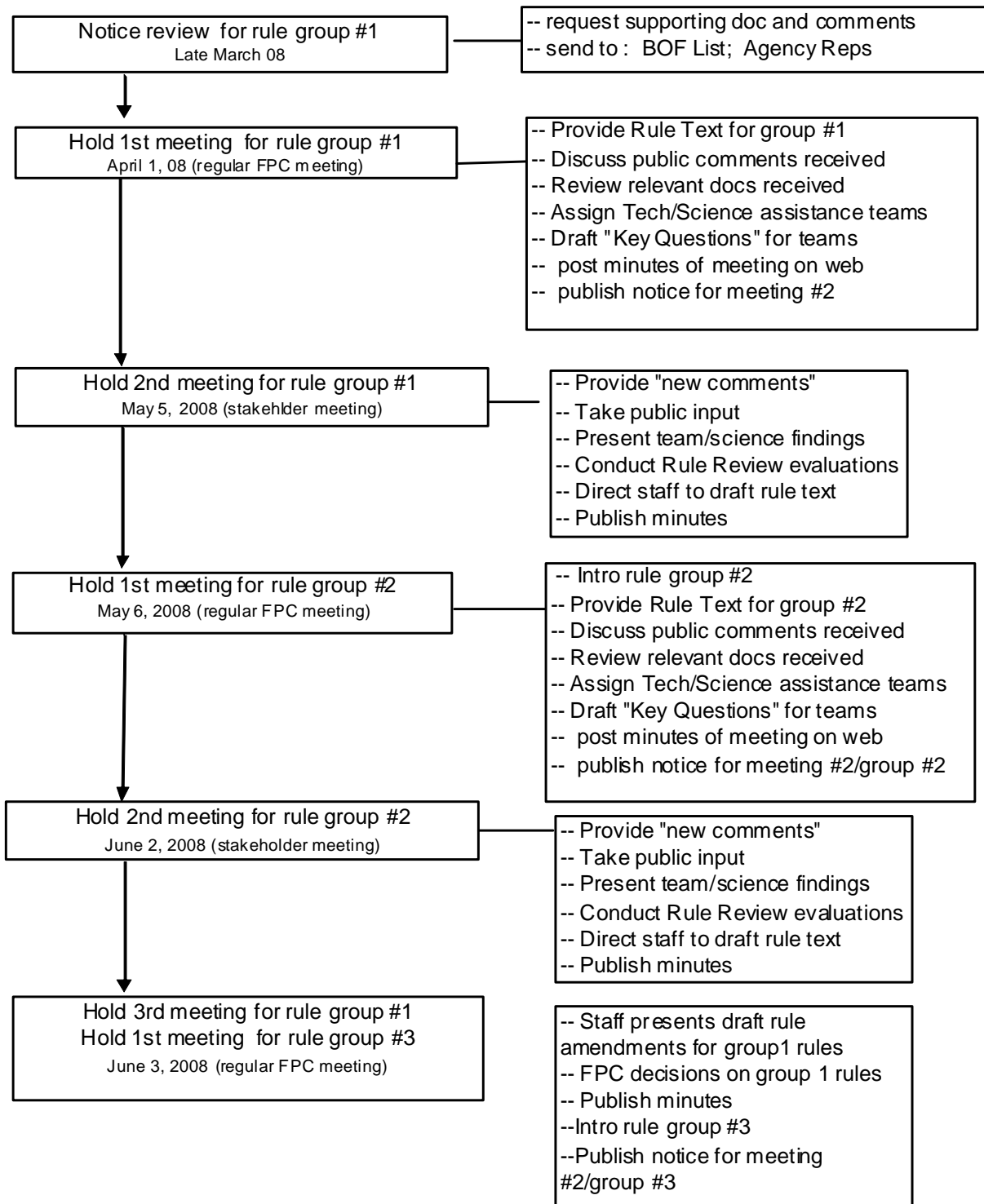
Minimization and Mitigation Measures for  
Roads and Landings in Watersheds with  
Coho Salmon

§ 923.9.2 [943.9.2]

Additional Measures to Facilitate Incidental Take  
Authorization in Watersheds with Coho Salmon

## Appendix 2

### Rule review process flow chart



continue cycle through December 2008

## Appendix 3

### Major topics of the 2000 T/I rules and the subsequent amendments

#### Group #1

##### Goals/Intent

- **intent language specificity for beneficial use protection:** (916, 916.2, 916.9(a), and 916.9(c)): goals relevant to entire watershed geographic areas (riparian zone and upland)

##### Watershed Definitions

- **new definitions** (895.1): includes specific riparian zone characteristics, and operating surface conditions (for all areas).

#### Group #2

##### Geographic Scope

- **new definitions** (895.1): includes T/I watershed definition.

##### Plan Preparation

- **plan content , consultation requirements, disapproval thresholds** (898.2)

#### Group #3

##### Cumulative Impacts

- **cumulative effects analyses for entire watershed** (898,916.9 (b))
- **Assessments in Section 303(d) Listed Watersheds:** Require further assessments and recommendations for watersheds to meeting TMDL goals. (916.12)

#### Group #4

## **Operational Requirements**

- **tractor crossings standards for riparian zones** (914.8)
- **logging operations in riparian zones and other upland areas** (916.9): goals and standards contained in this section represent most substantive operational change requirements of all t/l rule amendments.
- **road and landings management practice** (923.3, 923.9): established construction standards to accommodate life stage all life stages, sediment deposited movement, road width, road drainage, cuts and fills, steep road segments, and other low risk design structures and vulnerable watershed areas. Regulations apply to both riparian areas and upland areas.

## **Group #5**

### **Monitoring**

- **monitoring and adaptive management** (916.11,, 916.12): established postharvest monitoring for operations in a WLPZ and in upland areas for monitoring roading.

## Appendix 4

### Rule Review Time Frames

Rule Group #1 – April, May, June 2008

Goals and intent – 916, 916.2

Watershed definitions – 895.1

Rule Group #2 – May, June, July 2008

Geographic scope – 895.1

Plan preparation – 898.2

Rule Group #3 – June, July, August 2008

Cumulative impacts – 898.1, 916.9b

Assessments in Sec. 303(d) Listed Watersheds – 916.12

Rule Group #4 – July , August, Sept, October, November 2008

Operational requirements – tractor crossings – 914.8

Logging in riparian and other upland areas – 916.9

Road and landing management – 923.3, 923.9

Rule Group #5 – October, November, December 2008

Monitoring – 916.11

**Appendix #4**  
**Rule Review Time Frames**  
**April 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
		1 Meeting #1 (FPC): Goals/Intent and Defs.	2	3	4	5

**May 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
4	5 Meeting #2(Stakeholder):Goals/Intent and Defs.	6 Meeting #1 (FPC): Geo Scope and Plan Prep	7	8	9	10

**June 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
1	2 Meeting #2 (Stakeholder):Geo Scope and Plan Prep	3 Meeting #3(FPC) : Goals/Intent and Defs. Meeting #1 (FPC):Cumulative Impacts	4	5	6	7

**July 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
6	7 Meeting #2 (Stakeholder):Cumulative Impacts	8 Meeting #3 (FPC):Geo Scope and Plan Prep Meeting #1 (FPC): Operational Reqs.	Sound Watershed Literature Review Presentation	10	11	12

**August 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
3	4 Meeting #2 (Stakeholder): Operational Reqs.	5 Meeting #3 (FPC): Cumulative Impacts	6 Technical Expert Forum	7	8	9

**September 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
7	8 Meeting #3 (Stakeholder): Operational Reqs.	9 Meeting #4 (FPC): Operational Reqs.	10	11	12	13

**October 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
5	6 Meeting #5 (Stakeholder): Operational Reqs.	7 Meeting #6 (FPC): Operational Reqs. Meeting #1 (FPC): Monitoring	8	9	10	11

**November 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
2	3 Meeting #2 (Stakeholder): Monitoring	4 Meeting #7 (FPC): Operational Reqs.	5	6	7	8

**December 2008**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
		2 Meeting #3 (FPC): Monitoring	3	4	5	6

**January 2009**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
4	5	6 Staff Presents Combined Recommendations to FPC	7	8	9	10

**February 2009**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
1	2	3 Committee Deliberations/ Direction to Staff	3	4	5	6

4

**March 2009**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
1	2	3 Staff Presents edits	4	5	6	7

**April 2009**

Sun	Monday	Tuesday	Wed	Thur	Fri	Sat
5	6	4 FPC Action to Notice	8	9	10	11

## Appendix 5

### Rule review assignments and evaluations using review criteria

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### T/I Rule Review - Review Assignments

Rule #	Title or Subject	Review Assignments		
		Review Issues	Key Questions	Assigned Review Group
§ 895.1	Definitions	Consistency with BOF policy	Do the definitions still apply?	BOF Staff/FPC
§ 895.1	Definitions	Clarity and organization	Are any definitions ambiguous, not clear?(ref: L12-1)	BOF Staff/FPC
§ 895.1	Definitions	Clarity and organization	Should definitions be limited to describing a term and not include the level of consideration that the term should be afforded?(ref: L6-2, L6-4)	BOF Staff/FPC
§ 895.1	Definitions	Consistency with other agency policies and laws	How do definitions, specifically the "watersheds with threatened or impaired values" definition, appropriately reflect relationship between TMDL impairment listings and CESA listing?(ref: L12-1)	BOFStaff/FPC Agencies
§ 895.1	Definitions	Consistency with other agency policies and laws	Should the road decommissioning definition (adopted in coho rules 2007) to add the phrase "to the extent feasible" and what is the legal or policy basis for this? (ref: L12-1)	BOFStaff/FPC Agencies CAL FIRE
§ 895.1	Definitions	Consistency with other agency policies and laws	Does the "watersheds with threatened or impaired values" definition reflect geographic scope consistent with your agency's laws and policies?	Agencies
§ 895.1	Definitions	Science basis	Should "channel zone" definition delete bankfull stage, and floodplain references? (ref L6-3)	TAC/Science experts
§ 895.1	Definitions	Science basis	14CCR916.2 Subsection (a)(3) specifies that protection of riparian habitat. Given this is an undefined term, how far from the wetted channel does this extend? (ref L6-14)	TAC/Science experts
§ 898	Feasibility Alternatives		Is this still needed given the expanded role of RWQCB or should this substitute for waiver and WDR requirements?	BOF Staff/FPC
§ 898.2	Special Conditions Requiring Disapproval of Plans		Review for appropriate policy.	BOF Staff/FPC
§ 914.8 [934.8, 954.8]	Tractor Road Watercourse Crossing		Is the rule clear and are all class I streams included? (domestic water sources?)	Roads Task Force



Rule #	Title or Subject	Review Issues	Key Questions	Assigned Review Group
§ 916 [936, 956]	Intent of Watercourse and Lake Protection		Review for appropriate policy.	BOF Staff/FPC
§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy and FPA	Is term "providing equal consideration" as a goal for beneficial use protection consistent with the Forest Practice Act? (ref L5-2)	BOFStaff/FPC Board legal
§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy and FPA	Is term "potentially significant adverse" consistent with definition on page 16 of the FPR? (ref L5-2)	BOF Staff/FPC Board legal
§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Should term at "native aquatic and riparian species" be defined for clarity of intent and if so, what should the definition be? What is the legal, policy, or science basis for this? (L6-5)	BOFStaff/FPC CALFIRE Agencies
§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Is the term "feasible measures", as used in the Forest Practice Rules, consistent with the phrase "maintain where they're in good condition, protect where they are threatened and insofar as feasible, restore where they are impaired"? In the same phrase does the term threatened and impaired mean dictionary or legal definition? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-6)	BOFStaff/FPC CALFIRE Agencies board legal
§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions		Review for appropriate policy.	BOFStaff/FPC
§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should application of protection measures (based on conditions of resource values) be expanded to appurtenant roads, including those roads outside of the watershed or outside of the THP boundary? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-11)	BOFStaff/FPC CALFIRE Agencies Board legal
§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy and CEQA	Should terminology stating "potentially significant adverse impacts" be changed to "significant adverse impacts to the environment" for consistency with existing definitions in the Forest Practice Rules? Ref L6-12, L6-5). To what extent should the threatened or impaired rule language precisely use CEQA guideline terminology?	BOFStaff/FPC Board legal
§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with other agency policies and laws	What should be the basis for determining where values need to be restored? Is the term "where needed" too vague? Should language used in section 916 be used instead? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L12-3)	BOF Staff/FPC Agencies

Rule #	Title or Subject	Review Issues	Key Questions	Assigned Review Group
§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with FPA and other agency policies and laws	Do requirements for achieving goals of restoration exceed CEQA requirements, functional certification, and Forest Practice Act? (ref L5-3)	Board legal
§ 916.9 [936.9, 956.9]	Protection and Restoration in Watersheds with Threatened or Impaired Values			
(916.9 (a))			Review for appropriate policy.	BOF Staff/FPC
(916.9 (a))		Consistency with BOF policy Science basis	This section establish standards for conduct including compliance with the sediment TMDLs, no measurable decrease in stability of channels, no blockage of migratory routes, no measurable stream flows reductions during water drafting, protection of snags and down logs in riparian zone, and vegetative canopies for shading.Are these appropriate indicators of no significant impact to listed fisheries?	TAC
(916.9 (a))		Science basis	Have threatened or impaired rules created unintended consequences to biodiversity specifically to terrestrial wildlife species by retaining dense buffer strips? What is the science or policy basis for your agency's perspective?(ref L3-4, L4-6)	TAC Agency/DFG
(916.9 (a))		Science basis	Has any monitoring been conducted related to effect on non-salmonid species due to implementation of the T/I rules and if so what are the finding and scientific robustness of the monitoring information? (ref L4-6)	TAC Agency/DFG MSG/IMMP
(916.9 (a))		Science basis Consistency with BOF policy and other agency policies and laws	How should selection harvesting or other restoration practices promoting habitat conditions for non-salmonid species be considered? Should selection harvesting be permitted in riparian zones for purposes of improving habitat for other species? What is the legal, policy or science basis for your agency's perspective?(ref L4-6)	TAC Agencies MSG/IMMP
(916.9 (a))		Science basis Consistency with BOF policy and other agency policies and laws	Are the existing goals relevant to achieving conditions directly affected by forest regulation? To what extent should Forest Practice Rules contribute to larger agency goals of meeting the TMDL requirements or species recovery requirements? (ref L11-1)	TAC Agencies BOF Staff/FPC
(916.9 (a))		Science basis Consistency with BOF policy and other agency policies and laws	How have threatened or impaired rule compliance met or not met TMDL requirements? (ref L8-1)	CALFIRE Agencies/WBs MSG/IMMP

Rule #	Title or Subject	Review Issues	Key Questions	Assigned Review Group
(916.9 (a))		Consistency with BOF policy, FPA, and other agency policies and laws	In watersheds that do not have adopted TMDLs, must operations be planned so they do not result in any measurable sediment load increase to a watercourse or lake? If so, this standard is greater than for watercourses within adopted TMDLs, which permit a specified sediment load increase. What is the policy or legal basis for your agency's perspective on this? (ref L12-4)	Agencies/WBs CAL FIRE
(916.9 (a))		Consistency with BOF policy, FPA, and other agency policies and laws	Should T/I rules in watersheds without a TMDLs be designed to be consistent with 303(d) goals? What is the policy or legal basis for your agency's perspective on this? Because T/I rules have a goal of preventing deleterious interference and TMDL/303(d) requires restoration, T/I rules are not consistent at 303(d) goals. (ref L16-1)	Agencies/WBs CAL FIRE BOF Staff/FPC board legal
(916.9 (a))		Consistency with BOF policy, FPA, and other agency policies and laws	Should threatened or impaired rules be required to restore conditions and comply with adopted TMDLs? What is the legal basis for requiring restoration through the threatened or impaired rules? (ref L17-1)	Agencies/waterboard CAL FIRE BOF Staff/FPC board legal
(916.9 (b))	· Established minimum cumulative effect assessments requirements		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee
(916.9 (c))	· Stream course buffer widths and harvest restrictions		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee
(916.9 (d))	· Plan content for preferential measures for protection of beneficial use		Review for appropriate policy.	Forest Practices Committee
(916.9 (e))	· Channel zone timber operations prohibitions		Review for appropriate policy.	Technical Advisory Committee
(916.9 (f))	· WLPZ width )		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee
((916.9 (g))	· Canopy covers		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee
(916.9 (h))	· Specifications and requirements for class one crossings)		Review based on new science or a better understanding of riparian function.	Roads Task Force
(916.9 (i))	· Standards for recruitment of large woody debris		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee
(916.9 (j))	• Special management zones for inner gorges		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee

<b>Rule #</b>	<b>Title or Subject</b>	<b>Review Issues</b>	<b>Key Questions</b>	<b>Assigned Review Group</b>
(916.9 (k))	• Winter period operations plans		Review for appropriate policy.	ALL
(916.9 (l and m))	• Logging in tractor Road, specifications and		Review for appropriate policy.	Forest Practices Committee
916.9 (n)).	• WLPZ soil erosion treatments		Are the rules efficient and effective?	Roads Task Force
916.9 (o)	• Riparian zone, and upland active erosion site identification		Is this still needed given the expanded role of RWQCB or should this substitute for waiver and WDR requirements?	Forest Practices Committee
(916.9 (p))	Erosion control, maintenance period		Review for appropriate policy.	Forest Practices Committee
(916.9 (q))	• Site preparation standards		Review for appropriate policy.	Forest Practices Committee
(916.9 (r))	• Water drafting standards		Review based on new science or a better understanding of riparian function.	Technical Advisory Committee
(916.9 (s))	• Timber harvest limitations for exemption notices		Review based on new science or a better understanding of riparian function.	Forest Practices Committee
(916.9 (t))	• Timber harvest limitations for emergency notices)		Review based on new science or a better understanding of riparian function.	Forest Practices Committee
(916.9 (u))	• Salvage harvesting requirements		Review based on new science or a better understanding of riparian function.	Forest Practices Committee
(916.9 (v,w, x))	• Waivers, exceptions, alternatives ect requirements		Review based on new science or a better understanding of riparian function.	Forest Practices Committee
(916.9 (y))	• Exclusion of requirements for plans with HCP ITPs		Review for appropriate policy.	Forest Practices Committee
<b>§ 916.11 [936.11, 956.11]</b>	<b>Effectiveness and Implementation Monitoring</b>		Should the new Monitoring and Adaptive Management rules be substituted for this section?	Forest Practices Committee
<b>§ 916.12 [936.12, 956.12]</b>	<b>Section 303(d) Listed Watersheds</b>		Is this still needed given the expanded role of RWQCB or should this substitute for waiver and WDR requirements?	Forest Practices Committee
<b>§ 923.3 [943.3, 963.3]</b>	<b>Watercourse Crossings</b>			Forest Practices Committee
<b>§ 923.9 [943.9, 963.9]</b>	<b>Roads and Landings in Watersheds with Threatened or Impaired Values</b>			Forest Practices Committee

## Rule review evaluations using review criteria

JJO

T/I Rule Review - Evaluations Using Review Criteria

CZ  
4/21/200

Rule #	Title or Subject	review criteria										
		Neces	Purp	Sciece basis	Sciene Streng.	FPR organ	duplication	econo and fiscal impact	legal	environ impact	agency consistency	alternatives considered
§ 895.1	<b>Definitions -</b>											
	Bankfull stage											
	beneficial functions are riparian zone											
	channels zoned											
	inner gorge											
	saturated soil condition											
	stable operating surface											
	watersheds would threaten or impaired values											
§ 898	<b>Feasibility Alternatives</b>											
§ 898.2	<b>Special Conditions Requiring Disapproval of Plans</b>											
§ 914.8 [934.8, 954.8]	<b>Tractor Road Watercourse Crossing</b>											
§ 916 [936, 956]	<b>Intent of Watercourse and Lake Protection</b>											
§ 916.2 [936.2, 956.2]	<b>Protection of the Beneficial Uses of Water and Riparian Functions</b>											
§ 916.9 [936.9, 956.9]	<b>Protection and Restoration in Watersheds with Threatened or Impaired Values</b>											
(916.9 (a))	Establish goals that prevent deleterious interference with watershed conditions....,											

Rule #	Title or Subject	Neces	Purp	Sciece basis	Scienc Streng.	FPR organ	duplication	econo and fiscal impact	legal	environ impact	agency consistency	alternatives considered
(916.9 (a))	Establish standards for conduct including compliance with the sediment TMDLs...											
(916.9 (b))	Established minimum cumulative effect assessments requirements											
(916.9 (c))	Stream course buffer widths and harvest restrictions											
(916.9 (d))	Plan content for preferential measures for protection of beneficial use											
(916.9 (e))	Channel zone timber operations prohibitions											
(916.9 (f))	WLPZ width )											
((916.9 (g))	Canopy covers											
(916.9 (h))	Specifications and requirements for class one crossings)											
(916.9 (i))	Standards for recruitment of large woody debris											
(916.9 (j))	Special management zones for inner gorges											
(916.9 (k))	Winter period operations plans											
(916.9 (l and m))	Logging in tractor Road, specifications and											
916.9 (n)).	WLPZ soil erosion treatments											
916.9 (o)	Riparian zone, and upland active erosion site identification											

Rule #	Title or Subject	Neces	Purp	Sciece basis	Sciene Streng.	FPR organ	duplication	econo and fiscal impact	legal	environ impact	agency consistency	alternatives considered
(916.9 (p))	· Erosion control, maintenance period											
(916.9 (q))	· Site preparation standards											
(916.9 (r))	· Water drafting standards											
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(916.9 (u))	· Salvage harvesting requirements											
(916.9 (v,w, x))	· Waivers, exceptions, alternatives ect requirements											
(916.9 (y))	· Exclusion of requirements for plans with HCP ITPs											
<b>§ 916.11 [936.11, 956.11]</b>	<b>Effectiveness and Implementation Monitoring</b>											
<b>§ 916.12 [936.12, 956.12]</b>	<b>Section 303(d) Listed Watersheds</b>											
<b>§ 923.3 [943.3, 963.3]</b>	<b>Watercourse Crossings</b>											
<b>§ 923.9 [943.9, 963.9]</b>	<b>Roads and Landings in Watersheds with Threatened or Impaired Values</b>											

End